

BEFORE THE FEDERAL ELECTION COMMISSION

In the Matter of

New York's Health and Human Service
Union 1199/SEIU, AFL-CIO

Local 1199 Federal Political Action Fund
and George Gresham, as treasurer

1199 Service Employees International
Union Federal Political Action Fund
and Jennifer Cunningham, as treasurer

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CONCILIATION AGREEMENT

This matter was initiated by the Federal Election Commission ("Commission"), pursuant to information ascertained in the normal course of carrying out its supervisory responsibilities. The Commission found probable cause to believe that New York's Health and Human Service Union 1199/SEIU, AFL-CIO, a/k/a Local 1199NY, Service Employees International Union, f/k/a 1199, the National Health and Human Service Employees Union (hereinafter, "1199"), violated 2 U.S.C. § 432(b)(2) and 11 C.F.R. §§ 102.6(c)(4) and 102.8(b); that Local 1199 Federal Political Action Fund and its treasurer (hereinafter and collectively, "Local 1199 PAC") violated 2 U.S.C. § 432(b)(2) and 11 C.F.R. § 102.6(c)(1); and that 1199 Service Employees International Union Federal Political Action Fund and its treasurer (hereinafter and collectively, "SEIU 1199 PAC"), violated 2 U.S.C. §§ 432(b)(2) and 434(b)(4) and (5) and 11 C.F.R. § 102.6(c)(1). 1199, Local 1199 PAC, and SEIU 1199 PAC, when they are referred to collectively herein, are referred to as "Respondents."

NOW, THEREFORE, the Commission and the Respondents, having duly entered into conciliation pursuant to 2 U.S.C. § 437g(a)(4)(A)(i), do hereby agree as follows:

I. The Commission has jurisdiction over the Respondents and the subject matter of this proceeding, and this agreement has the effect of an agreement entered pursuant to 2 U.S.C. § 437g(a)(4)(A)(i).

II. Respondents have had a reasonable opportunity to demonstrate that no action should be taken in this matter.

III. Respondents enter voluntarily into this agreement with the Commission.

IV. The pertinent facts in this matter are as follows:

1. 1199 is a labor organization within the meaning of 2 U.S.C. § 441b(b)(1). Its principal offices are located at 310 W. 43rd Street, New York, New York, 10036. Pursuant to a partnership/affiliation agreement effective April 1, 1998, as amended effective January 1, 2000, and a charter granted April 1, 1998, 1199 is both a national affiliate and a local union of the Service Employees International Union ("SEIU"). At all times between January 1, 1997 and April 1, 1998, 1199 was an independent union.

2. Local 1199 PAC is a political committee within the meaning of 2 U.S.C. § 431(4) and is a separate segregated fund of 1199 within the meaning of 2 U.S.C. § 441b(b)(2)(C) and 11 C.F.R. § 114.5. Its principal offices are located at 310 W. 43rd Street, New York, New York, 10036. On January 1, 1997 and at all times subsequent, Local 1199 PAC has been registered with the Commission as a political committee pursuant to 2 U.S.C. § 433.

3. George Gresham is the treasurer of Local 1199 PAC. At the time of all events recounted in this agreement that pertain to Local 1199 PAC, Phyllis Harris was the treasurer of Local 1199 PAC.

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4. SEIU 1199 PAC is a political committee within the meaning of 2 U.S.C. § 431(4) and is a separate segregated fund of 1199 within the meaning of 2 U.S.C. § 441b(b)(2)(C) and 11 C.F.R. § 114.5. Its principal offices are located at 330 W. 42nd Street, New York, New York, 10036.

5. Jennifer Cunningham is the treasurer of SEIU 1999 PAC.

6. The Service Employees International Union Political Contributions Committee ("SEIU COPE") is a political committee within the meaning of 2 U.S.C. § 431(4) and is the separate segregated fund of the Service Employees International Union within the meaning of 2 U.S.C. § 441b(b)(2)(C) and 11 C.F.R. § 114.5.

Applicable Law

7. The Federal Election Campaign Act of 1971, as amended ("the Act"), prohibits labor organizations from making contributions or expenditures in connection with Federal elections. *See* 2 U.S.C. § 441b(a). However, it permits labor organizations to establish and administer separate segregated funds ("SSFs") for political purposes and to solicit contributions to those funds from members and their families. *See* 2 U.S.C. § 441b(b)(2)(C) and (4)(A)(ii). In so doing, the SSFs may accept only permissible funds, which must not be commingled with union dues and assessments. *See* 11 C.F.R. § 102.5(a).

8. A "collecting agent" is an organization or committee that collects and transmits contributions to one or more separate segregated funds to which the collecting agent is related. *See* 11 C.F.R. § 102.6(b)(1). The connected organization of a separate segregated fund may act as its collecting agent. *See* 11 C.F.R. § 102.6(b)(1)(ii). A parent, subsidiary, branch, division,

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department, or local unit of the connected organization or the separate segregated fund may act as collecting agent for the separate segregated fund. *See* 11 C.F.R. § 102.6(b)(1)(iii).

9. Pursuant to 2 U.S.C. § 432(b)(2)(A) and 11 C.F.R. § 102.8(b)(1), every person who receives a contribution of \$50 or less for a political committee that is not an authorized committee of a candidate shall forward such contribution to the treasurer of the committee within 30 days of receipt. In addition, every person who receives a contribution in excess of \$50 for a political committee that is not an authorized committee of a candidate must forward the contribution to the treasurer within 10 days of receipt, along with the name and address of the contributor and the date of receipt of the contribution. *See* 2 U.S.C. § 432(b)(2)(B) and 11 C.F.R. § 102.8(b)(2).

10. A collecting agent must transmit to the treasurer of a separate segregated fund for which it collects contributions the full amount of each contribution collected within 10 days of receipt, in the case of contributions of more than \$50, or 30 days of receipt, in the case of contributions of \$50 or less, pursuant to 11 C.F.R. § 102.8(b). *See* 11 C.F.R. § 102.6(c)(4).

11. For purposes of making transmittals of contributions received in forms other than checks made payable to the separate segregated fund, the collecting agent must either: 1) set up a transmittal account to be used solely for the deposit and transmittal of funds collected on behalf of the separate segregated fund; or 2) deposit such contributions into the agent's treasury account, keeping separate records; or 3) deposit them into an account used only for State and local election activity. *See* 11 C.F.R. § 102.6(c)(4)(ii).

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12. A separate segregated fund for which funds are being collected by a collecting agent is responsible for ensuring that its collecting agent complies with the applicable recordkeeping, reporting and transmittal requirements of the Commission's regulations. *See* 11 C.F.R. § 102.6(c)(1).

13. Each treasurer of a political committee shall file periodic reports of the committee's receipts and disbursements with the Commission. *See* 2 U.S.C. § 434(a)(1). In the case of committees that are not authorized committees of a candidate for Federal office, these reports shall include, *inter alia*, the amount of cash on hand at the beginning of the reporting period, *see* 2 U.S.C. § 434(b)(1); the total amounts of the committee's receipts for the reporting period and for the calendar year to date, *see* 2 U.S.C. § 434(b)(2); and the total amounts of the committee's disbursements for the reporting period and the calendar year to date. *See* 2 U.S.C. § 434(b)(4).

14. If a connected organization intends both to establish a separate segregated fund and to receive in single instruments funds that could be used for either Federal or non-Federal elections, it must organize its accounting in one of two ways. Under the first option, it must establish both a Federal and a non-Federal account pursuant to 11 C.F.R. § 102.5(a)(1)(i); it must establish or designate a collecting agent pursuant to 11 C.F.R. § 102.6(c)(4)(ii); the collecting agent must separate out and transmit to the Federal account within 10 or 30 days of receipt the proportion, if any, of each contribution that shall be available for Federal use, in compliance with 2 U.S.C. § 432(b)(2); the collecting agent and the committee must keep records adequate to comply with the itemization requirements of 2 U.S.C. § 434(b)(3)(A) and the prohibition on

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knowingly receiving excessive contributions of 2 U.S.C. § 441a(f); and the Federal account must report as contributions received the amounts transferred from the collecting agent pursuant to 11 C.F.R. § 102.6(c)(7). Under the second option, the organization must deposit all receipts into a single account that accepts only funds subject to the limitations and prohibitions of the Act; it must treat all receipts from the voluntary donations of its members as Federal contributions; and it must report all of the account's receipts and disbursements to the Commission pursuant to 2 U.S.C. § 434(b). An organization and committee electing the second option may then opt either to operate solely from the single account pursuant to 11 C.F.R. § 102.5(a)(1)(ii), or to establish a Federal and non-Federal account pursuant to 11 C.F.R. § 102.5(a)(1)(i) and fund the non-Federal account with transfers from the Federal account.

15. Failure to choose either the first or second option as described in Paragraph IV.14 may cause a connected organization and its separate segregated fund to violate 2 U.S.C. § 432(b)(2), 2 U.S.C. § 434(b), or both.

16. In addition to the reporting requirements described above, political committees are required to keep an account of the name and address of any person who makes any contribution in excess of \$50, together with the date and amount of any such contribution. *See* 2 U.S.C. § 432(c). Committees must also report the identification of any person who makes a contribution aggregating more than \$200 during a calendar year, together with the date and amount of any such contribution. *See id.*; 2 U.S.C. § 434(b)(3).

17. "Identification" means, in the case of a person other than a natural person, the full name and address of such person. 2 U.S.C. § 431(13)(B).

18. In order to enable political committees to comply with the record-keeping and itemization requirements of 2 U.S.C. §§ 432(c) and § 434(b)(3), collecting agents for political committees must disclose to the committees the name and address of each person who makes a contribution in excess of \$50 and the identification, as defined by 2 U.S.C. § 431(13)(B), of each person who makes contributions aggregating in excess of \$200, together with the date of receipt of the contribution. *See* 2 U.S.C. §§ 434(b)(3)(A) and 432(b)(2)(B); 11 C.F.R. §§ 102.6(c)(5) and 102.8(b)(2).

19. Political committees (other than authorized committees of candidates) are required to report to the Commission, for the reporting period and the calendar year, the total amount of contributions received from persons other than political committees, *see* 2 U.S.C. § 434(b)(2)(A); and the total amount of "dividends, interest, and other forms of receipts," *see* 2 U.S.C. § 434(b)(2)(J), itemizing, among other things, the identification of any person who provides an "other receipt" to the reporting committee in an aggregate amount or value in excess of \$200 within the calendar year, together with the date and amount of the receipt. *See* 2 U.S.C. § 434(b)(3)(G).

20. In addition to the reporting requirements described above, political committees (other than authorized committees of candidates) are required to report, for the reporting period and calendar year, the total amount of all transfers to affiliated committees, *see* 2 U.S.C. § 434(b)(4)(C); and the total amount of any "other" disbursements that do not fit into a category specified in the Act, *see* 2 U.S.C. § (b)(4)(H)(v), itemizing, among other things, the identification of any affiliated committee that receives a transfer from the reporting committee, *see*

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2 U.S.C. § 434(b)(5)(C), or any person who receives a disbursement "not otherwise disclosed" in an amount or value in excess of \$200 within the calendar year, *see* 2 U.S.C. § 434(b)(6)(B)(v), together with the date and amount of each itemized disbursement.

Contribution Activity

21. At all times relevant hereto, 1199 afforded its members the opportunity to make contributions for "Political Action" by means of payroll deduction.

22. Potential donors were informed that their contributions "may" be used in connection with Federal elections. However, 1199 members who wished to make "Political Action" contributions by payroll deduction executed a single form that did not provide an opportunity to designate part of their contributions as federal or part as nonfederal. Further, 1199 treated all contributions from members as available for federal or nonfederal use by 1199's SSFs. Accordingly, all funds not segregated within thirty (30) days must be treated as federal contributions which were subject to the provisions of the Act and the Commission's implementing regulations.

23. From at least January 1997 to September 1999, 1199 maintained four separate accounts at Amalgamated Bank of New York. One, which was known as the Local 1199 Political Action Fund General Account (hereinafter, "general account"), was the account into which 1199 members' donations for "Political Action" were deposited, which respondents have referred to the general account in the course of this matter as a "collecting agent account." The receipts and disbursements of a collecting agent account are not required to be reported to the Commission, provided that the collecting agent complies with the procedures of 11 C.F.R. § 102.6(c). However, as noted elsewhere in this Agreement, Respondents did not comply with

11 C.F.R. § 102.6(c). Another account, which was known as the Local 1199 Federal Political Action Fund, was the account of Local 1199 PAC. The remaining two were 1199's non-federal accounts, which were known as the Local 1199 Martin Luther King Political Action Fund (hereinafter, "MLK Non-Federal Fund") and the New York State Political Action Fund (hereinafter, "NYS Non-Federal Fund").

24. In September 1999, 1199 closed the bank account of the Local 1199 Federal Political Action Fund and opened a new federal account, known as the 1199/SEIU Federal Political Action Fund, which was the account of SEIU 1199 PAC.

25. 1199 collected contributions for its SSFs almost exclusively through voluntary payroll deductions to the "Political Action Fund" from its members and deposited these funds into the general account before transferring the funds to the bank accounts of Local 1199 PAC, SEIU 1199 PAC, MLK Non-Federal Fund, NYS Non-Federal Fund, and its international union's separate segregated fund, SEIU COPE.

26. This pattern or practice of collecting members' contributions in the general account before transferring the funds to 1199's affiliated committees began as early as January 1997, continued after 1199's affiliation with SEIU in April 1998, and did not cease until 1199 began depositing members' contributions directly into the account of SEIU 1199 PAC in September 1999.

27. With limited exceptions, the general account received only permissible funds that represented political contributions from its members and that were available for use by 1199's SSFs.

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Untimely Transfers

28. Prior to April 1998, 1199 collected members' contributions in the general account and transferred the funds on an as-needed basis to Local 1199 PAC and MLK Non-Federal Fund.

29. When 1199's leadership decided to spend money on a federal activity, the necessary funds were transferred to Local 1199 PAC and used immediately to make a contribution, after which time the committee reported a zero cash-on-hand balance.

30. Between January 1997 and April 1998, 1199 transferred approximately \$424,270 to Local 1199 PAC and MLK Non-Federal Fund. Of this amount, at least \$126,288.73 was not transferred within thirty (30) days of receipt.

31. On April 1, 1998, 1199 ceased to be an independent union and became a local union and a national affiliate of SEIU.

32. Effective April 1, 1998, upon affiliation of 1199 and SEIU, 1199 became eligible to act as a collecting agent for SEIU COPE.

33. After the merger with SEIU in April 1998, 1199 ceased transferring contributions to Local 1199 PAC and MLK Non-Federal Fund. Instead, between April 1998 and March 1999, 1199 collected contributions in the general account over several months and transferred the funds to SEIU COPE and NYS Non-Federal Fund.

34. Two transfers to SEIU COPE, in the amounts of \$770,714 and \$606,759, took place on June 5, 1998 and March 16, 1999, respectively. Of this amount, at least \$1,226,089.67 was not transferred within thirty (30) days of receipt.

35. One transfer to the NYS Non-Federal Fund, in the amount of \$1,156,071, took place on June 22, 1998, within thirty (30) days of receipt.

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36. On September 9, 1999, 1199 transferred \$170,323 from the general account to its newly established SEIU 1199 PAC, transferred the remaining balance in the general account (approximately \$543,148) to the NYS Non-Federal Fund, and closed the general account. Of the \$170,323 transferred to SEIU 1199 PAC, at least \$6,132 was not transferred within thirty (30) days of receipt. Of the \$543,148 transferred to NYS Non-Federal Fund, at least \$538,148 was not transferred within thirty (30) days of receipt.

37. Between January 1, 1997 and September 9, 1999, 1199 transferred approximately \$3,671,285 to its federal and nonfederal accounts and to SEIU COPE.

38. During this same time-period, 1199 transferred or disbursed an additional \$211,877.75 to recipients other than affiliated committees. Of this amount, which was regarded as available for federal use by Local 1199 PAC until spent on nonfederal activities, at least \$8,396.43 was held in the general account for more than thirty (30) days, in violation of 2 U.S.C. § 432(b)(2) and 11 C.F.R. §§ 102.6(c)(4) and 102.8(b).

39. The total amount of transfers or disbursements from the general account between January 1, 1997 and September 9, 1999 is approximately \$3,883,162.75, at least \$1,905,056 of which had been held in the general account more than thirty (30) days.

40. In the fall of 1999, new procedures for funding SEIU 1199 PAC were voluntarily established by Respondents to help ensure future compliance with the Act. The general account was closed and from September 1999 to the present, voluntary political contributions by 1199's members have been deposited directly into the SEIU 1199 PAC account.

Commingling of Permissible and Impermissible Funds

41. On or about December 20, 1997, 1199 issued a check in the amount of \$33,600 that was drawn from permissible funds in the general account and made payable to the U.S. Postmaster to pay for postage for a mailing to Local 1199 members.

42. On February 5, 1998, 1199 deposited impermissible funds from the union's general treasury to reimburse the general account in the same amount. The impermissible funds remained in the general account more than thirty (30) days before being transferred to Local 1199 PAC and SEIU COPE.

Disclosure and Itemization Violations

43. The Respondents maintained during the investigation of this matter that there was no individual with adequate personal knowledge who could provide the sworn statement requested by the Office of General Counsel that no individual member made contributions in amounts greater than \$50 or, in the aggregate, greater than \$200 in 1997, 1998, or 1999.

44. As an alternative to complying with broader discovery requests contained in the Commission's Order and Subpoena, the Office of General Counsel agreed to accept records for the deposits made to the general account in July 1999 as a sample test case to confirm Respondents claim that no individual member made contributions in amounts greater than \$50 or, in the aggregate, greater than \$200 that were transferred to Local 1199 PAC.

45. The sample test case indicates that the general account received contributions from 22,897 members in July 1999. Of the 22,897 member contributions at least fifteen (15) exceeded \$50, one of which exceeded \$200. The sample test case also indicates that the general account received a \$3,000 contribution from the New York City Chapter of the National Association of

Social Workers and that, on more than one but less than 27 occasions, the general account received contributions by monthly payroll deductions that if made on a monthly basis for the full year would have exceeded the \$200 threshold for itemization. None of these contributions were itemized on Local 1199 PAC and SEIU 1199 PAC's disclosure reports to the Commission.

46. The same individuals from 1199 managed both the general account and the separate segregated funds in the same office; however, 1199 did not have an effective mechanism in place for identifying for the separate segregated funds the contributions that exceeded the \$50 and \$200 thresholds for the record-keeping and itemization requirements.

47. Consequently, 1199 failed to identify contributions exceeding the \$50 and \$200 thresholds. As a result, Local 1199 PAC and SEIU PAC reported all contributions received from the general account between January 1997 and September 1999 as unitemized receipts.

Reporting Errors

48. On June 1, 2000, \$344,559.41 not intended for SEIU 1199 PAC's bank account was accidentally deposited in that account when an 1199 staff member inadvertently used a deposit slip that contained SEIU 1199 PAC's account number. On that same day, 1199 discovered the error and immediately directed the bank to transfer the funds from the SEIU 1199 PAC account to the correct 1199 account. The bank did so before the close of business.

49. On June 2, 2000, SEIU 1199 PAC transferred \$168,856 to SEIU COPE.

50. On July 14, 2000, SEIU 1199 PAC filed its 2000 July Quarterly Report. This report did not disclose the erroneous deposit of June 1, 2000, the corrective transfer of the same date, or an additional \$40 disbursement made by SEIU PAC during the reporting period. Instead, it reported that, during the reporting period, SEIU 1199 PAC had received \$815,440.19 in

unitemized contributions, an amount that was misstated by the accidental deposit amount of \$344,559.41. It also reported that on June 2, 2000, SEIU 1199 PAC had transferred \$513,415.41 to SEIU COPE, an amount that was also misstated by \$344,559.41.

51. On December 6, 2001, SEIU 1199 PAC transmitted to the Commission an amended 2000 July Quarterly Report. This report disclosed that SEIU 1199 PAC received \$470,880.78 in unitemized contributions during the reporting period, and correctly itemized the June 2, 2000 disbursement of \$168,856 to SEIU COPE. However, it failed to disclose the receipt of the accidental deposit amount of \$344,519.41 on June 1, 2000, or the source of those funds, or the transfer out of the same amount on the same day, or the recipient of the transfer out, or to report in any fashion the additional \$40 disbursement. It also failed to accurately state SEIU 1199 PAC's total receipts or disbursements for the reporting period or the calendar year.

V. 1. Between at least January 1, 1997 and September 9, 1999, 1199 failed to forward at least \$1,905,056 from its general account in a timely manner, in violation of 2 U.S.C. § 432(b)(2) and 11 C.F.R. §§ 102.6(c)(4) and 102.8(b).

2. Local 1199 PAC and SEIU 1199 PAC failed to ensure that its collecting agent, 1199, forwarded members' contributions in a timely manner, in violation of 2 U.S.C. § 432(b)(2) and 11 C.F.R. § 102.6(c)(1).

3. Although Local 1199 PAC was aware of all of the funds in the collecting agent account and regarded them as available for Federal use, 1199's consistent failure to comply with the transmittal requirements of 2 U.S.C. § 432(b)(2) caused Local 1199 PAC to consistently under-report its available cash-on-hand, in violation of 2 U.S.C. § 434(b).

4. 1199's deposit of \$33,600 in union treasury funds into the general account and its failure to transfer these funds from the general account to a nonfederal account within thirty (30) days resulted in the commingling of permissible and impermissible funds, in violation of 2 U.S.C. § 441b. 1199 transferred a portion of these commingled funds to Local 1199 PAC, which used the funds to make federal contributions, in violation of 2 U.S.C. § 441b.

5. 1199 failed to forward the required contributor information to Local 1199 PAC and SEIU 1199 PAC for certain contributions from members that exceeded \$50 or \$200 in the aggregate, in violation of 2 U.S.C. § 432(b)(2)(B) and 11 C.F.R. § 102.8(b)(2).

6. Local 1199 PAC and SEIU 1199 PAC failed to ensure that their collecting agent, 1199, complied with the forwarding requirements set forth in 2 U.S.C. § 432(b)(2)(B) and 11 C.F.R. § 102.8(b)(2), in violation of 11 C.F.R. § 102.6(c)(1).

7. Local 1199 PAC and SEIU 1199 PAC failed to itemize certain contributions from members that exceeded the \$200 threshold for itemization, in violation of U.S.C. § 434(b)(3)(A).

8. On its original and amended 2000 July Quarterly Reports, SEIU 1199 PAC failed to disclose altogether a receipt of \$344,519.44 and a disbursement of the same amount, and an additional disbursement of \$40; on its original 2000 July Quarterly Report it failed to accurately disclose its unitemized contributions received or a \$168,856 disbursement to SEIU COPE; and on its amended 2000 July Quarterly report it failed to accurately disclose its total receipts and disbursements, for the reporting period or the calendar year, all in violation of 2 U.S.C. § 434(b)(2), (b)(3), (b)(4), (b)(5) and (b)(6).

VI. 1. 1199 will cease and desist from violating 2 U.S.C. §§ 432(b)(2) and 441b and 11 C.F.R. §§ 102.6(c) and 102.8(b).

2. Local 1199 PAC and SEIU 1199 PAC will cease and desist from violating 2 U.S.C.

§§ 432(b)(2) and 434(b) and 11 C.F.R. § 102.6(c)(1).

3. Local 1199 PAC will also cease and desist from violating 2 U.S.C. § 441b.

VII. Respondents will pay a civil penalty to the Federal Election Commission in the amount of one hundred eighty-seven thousand and five hundred dollars (\$187,500), pursuant to 2 U.S.C. § 437g(a)(5)(A).

VIII. 1. SEIU 1199 PAC will further amend its 2000 July Quarterly report to accurately reflect a receipt and a disbursement of \$344,519.44 on June 1, 2000, and to accurately reflect the additional disbursement of \$40 referred to above, and its total receipts and disbursements for that reporting period and the calendar year to that date. It will further amend subsequent 2000 disclosure reports as may be necessary to accurately reflect total receipts and disbursements for the calendar year to date on each report.

VIII. 2. In lieu of filing comprehensive amended reports for the calendar years 1997 through 1999 to reflect previously unreported general account activity, respondents will submit an executed copy of this Agreement to the Commission's Reports Analysis Division as a miscellaneous disclosure report for Local 1199 PAC, SEIU 1199 PAC, and 1199. The Agreement shall be accompanied by a cover letter stating that this submission is being made at the request of the Office of General Counsel pursuant to Paragraph VIII. 2. of this Agreement.

IX. The treasurer of SEIU 1199 PAC, and an additional representative of 1199, shall attend the next FEC Regional Conference or FEC Conference for Membership or Labor Organizations and their PACs, whichever is closer in time to the date this Agreement becomes effective, for which space is available.

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X. The Commission, on request of anyone filing a complaint under 2 U.S.C.

§ 437g(a)(1) concerning the matters at issue herein or on its own motion, may review compliance with this agreement. If the Commission believes that this agreement or any requirement thereof has been violated, it may institute a civil action for relief in the United States District Court for the District of Columbia.

XI. This agreement shall become effective as of the date that all parties hereto have executed same and the Commission has approved the entire agreement.

XII. 1. Respondents shall have no more than 30 days from the date this agreement becomes effective to comply with and implement the requirements contained in this agreement and to so notify the Commission, with the exception of the requirements contained in Paragraph IX.

2. (A). If the FEC Conference described in Paragraph IX is held within 30 days of the date this agreement becomes effective, and registration is open and available for such conference, then the treasurer of SEIU 1199 PAC and an additional representative of 1199 shall register for and attend such conference.

(B). If the FEC Conference described in Paragraph IX is held after 30 days from the date this agreement becomes effective, but registration for such conference is open and available within 30 days from the date this agreement becomes effective, then the treasurer of SEIU 1199 PAC and an additional representative of 1199 shall register for such conference not later than (i) 30 days from the date this agreement becomes effective, or (ii) the date registration for the conference closes, whichever is earlier.

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(C). If, during the 30-day period following the date on which this agreement becomes effective, no registration is open or available for an FEC conference described in Paragraph IX, then the treasurer of SEIU 1199 PAC and an additional representative of 1199 shall register for the next available such conference within seven days of the date on which registration opens for the conference.

XIII. This Conciliation Agreement constitutes the entire agreement between the parties on the matters raised herein, and no other statement, promise, or agreement, either written or oral, made by either party or by agents of either party, that is not contained in this written agreement shall be enforceable.

FOR THE COMMISSION:


Lawrence H. Norton
General Counsel

BY:


Rhonda J. Vosdigh
Associate General Counsel
for Enforcement

10/17/03
Date

FOR THE RESPONDENTS:


George Gresham
Secretary Treasurer
New York's Health and Human Service
Union 1199/SEIU, AFL-CIO

10/31/03
Date

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